

### **Remarks**

This communication is considered fully responsive to the Office Action mailed September 15, 2008. Claims 1-20 were examined. Claims 1-20 stand rejected. Claims 1, 8 and 12 are hereby proposed amended, and no claims are currently canceled nor added. Reexamination and reconsideration of claims 1-20 are respectfully requested.

### **Claim Rejections - 35 U.S.C. 103(a)**

The Office Action rejected claims 1-9, 11-13, and 16-20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,199,113 to Alegre [sic, should be Alegre] (hereinafter referred to as “Alegre”) in view of Kobita [sic, should be Kobata] (U.S. 2006/0005237, hereinafter referred to as “Kobata”). The Office Action also rejected claims 10 and 14-15 as being unpatentable over Alegre in view of Kobata and further in view of Araujo, U.S. Patent No. 7,275,113 (hereinafter “Araujo”). The Applicant respectfully traverses these rejections.

For all of the present obviousness-type rejections, Applicants first note that there is not a one-to-one relationship between the steps and components of any of Alegre, Kobata, Araujo or any combination thereof with those of the claimed developments. Indeed, the Office Action does not ever disclose what would be identically or the functional equivalent of the data node in Alegre, Kobata or Araujo.

Thus, any combination of Alegre and Kobata provides neither an attainment of all the elements of the claimed developments, nor any expectation of success; See MPEP 2143.03 and 2143.02, respectively. No combination of these references ends with a

discrete system node seeking and gaining its own authentication apart from the client node with whom communications would be had. No expectation for success can be evident if all the parts are not present nor suggested to be.

The processes and systems of Alegre and of Kobata are far removed from the claimed invention and, more importantly, do not perform the same functions either alone or in any asserted combination, particularly with specifically discrete elements such as those claimed here. Consequently, claims 1, 8, and 12 are not rendered obvious by the combination of Alegre and Kobata.

As a further point of law, the Supreme Court case of KSR v. Teleflex; namely, KSR International Co. v. Teleflex Inc., 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007) (discussing how the Court concluded that it would have been obvious to change Asano's fixed pivot point adjustable pedal by replacing the mechanical assembly for throttle control with an electronic throttle control and to mount the electronic sensor on the pedal support structure) is pertinent. Applicants' presently claimed developments involve far more than a simple addition, replacement, mounting or an upgrade. Indeed, the complete addition of discrete system and data nodes, in addition to the client node, and the further discrete control node, is not taught nor suggested by the single client access systems of Alegre and Kobata. Moreover, there is no teaching, suggestion or motivation in or from either of Alegre or Kobata for any modification to arrive at the result here. Alegre is mere network security and Kobata applies to e-mail messaging; no suggestion appears in or from either to achieve separate system and client node authentication.

The independent claims 1, 8 and 12 are thus allowable, and the dependent claims are allowable for at least the same reasons as the respective independent claims and withdrawal of the rejections of claims 1-20 is respectfully requested.

Moreover, for claims 10, 14-15: there is no indication that the system of Araujo includes a client database at the control node, that the database contains a dynamic network address for the system node or that the database at the control node is updated on a recurring basis. Consequently, claim 10 is not rendered obvious by the cited references.

Additionally, the Office Action asserts that “[providing] a system with a controller that enables efficient establishment of a communication path via the communication network without requiring the communicating devices to have static addresses” provides the motivation to combine Alegre and Kobata with Araujo. However, the cited passage (col. 10, lines 39-44) discusses communication between the first device and the second device of Araujo, whereas claims 14 and 15 pertain to the contents of the session information and therefore such motivation is irrelevant to the claims.

Furthermore, one of ordinary skill in the art of building automation would not look to a reference on establishing communication between devices. Finally, neither Alegre, Kobata nor Araujo discuss the status of a system node, much less including the status of the system node in session information as recited in claim 15. And, Araujo does not cure the lacking of discrete system and client nodes each obtaining their own authentications for communication therebetween via the data node. Consequently, claims 10 and 14-15

are not rendered obvious by the cited references and the steps disclosed in claims 10 and 14-15 are patentable over the combination of references.

For at least the foregoing reasons, the independent claims 1-20 are allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of those claims. The dependent claims are allowable for at least the same reasons as the respective independent claims and withdrawal of the rejections of claims 1-20 is respectfully requested.

### **Conclusion**

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,

Dated: November 17, 2008

By:                     /peterbscull/                    

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